

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2105

Introduced by Assembly Member Hagman

February 18, 2010

An act to amend Section 66424 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2105, as amended, Hagman. Land use: Subdivision Map Act.

The Subdivision Map Act defines the term “subdivision” to mean the division, by a subdivider, of a unit or units of land, or any portion thereof, shown on the latest equalized county assessment role as a unit or contiguous units, for the purpose of sale, lease, or financing. The act requires property to be considered as contiguous units, even if the property is separated by a facility, if the units are in close enough proximity to be reasonably used together to create a single subdivision project.

This bill would modify the definition of the term “subdivision” for purposes of the act by expressly exempting property separated by specified types of facilities from being considered as contiguous units. *The bill would also prohibit that property from being considered as separate parcels if the parcels created would be inconsistent with the general plan or specified specific plans, or create an economically unviable use.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 66424 of the Government Code is amended to read:

66424. (a) “Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in subdivision (f) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the Civil Code.

(b) For purposes of this division, property “considered as contiguous units” pursuant to this section shall constitute separate parcels, where the parcel is separated by the following types ~~of roads, streets, utility easements, or railroad rights-of-ways:~~ *of canals, flood control channels, irrigation ditches, roads, or streets:*

(1) Components of the federal-aid system, including the Interstate System and the National Highway System, as defined in Section 103(a) of Title 23 of the United States Code, *which are access controlled.*

(2) Freeways or expressways that are part of the state highway system, as specified in Chapter 2 (commencing with Section 230) of Division 1 of the Streets and Highways Code, *which are access controlled.*

~~(3) Railroad rights-of-way utilized by passenger and freight rail in the state.~~

~~(4)~~

(3) Any canal that is a part of the California Aqueduct System, and any canal, irrigation ditch, or ~~flood-control~~ *flood control* channel that is not part of the California Aqueduct System and cannot be bridged or crossed.

(c) Parcels separated by ~~roads, streets, utility easements, or railroad rights-of-way~~ *canals, flood control channels, irrigation ditches, roads, or streets*, other than those specified in subdivision

1 ~~(b), shall not be separate parcels.~~ (b), or parcels separated by
2 railroad rights-of-way or utility easements, shall not constitute
3 separate parcels.

4 (d) Subdivision (b) shall not apply if the local agency makes a
5 determination that the parcels created pursuant to subdivision (b)
6 would be inconsistent with the requirements of Section 66473.5
7 or create an economically unviable use.

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